

REMARKS

The Office Action mailed July 2, 2007, has been received and reviewed. Claims 1, 3-12, 14, 15, 17-19 and 21-24 are currently pending in the application. Claims 1, 3-12, 14, 15, 17-19 and 21-24 stand rejected. Applicants have amended claims 1, 12, 15, and 19, have cancelled claims 9 and 11, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 112 Claim Rejections

Claims 1, 3-11, 15, 17 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 1 and 15 stand rejected for lack of antecedent basis relative to the term “anionic” preceeding a “phosphate ester surfactant”. Claims 1 and 15 have been amended to include “anionic”, and as such, the rejection has been overcome.

Claim 4 stands rejected for reciting “greater than - approximately 2 moles”. Claim 4 has been amended to delete the term “approximately”. As such, the rejection has been overcome.

35 U.S.C. § 102/103 Rejections

Anticipation Rejection or, in the alternative, Obviousness Rejection Based on U.S. Patent No. 4,176,107 to Buckman *et al.*

Claims 1, 3, 5, 12, 15, 17, 19 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,176,107 to Buckman *et al.* (“Buckman”). Applicants respectfully traverse these rejections, as hereinafter set forth.

Independent claims 1, 12, 15, and 19 have been amended to recite a fixer fluid having at least one anionic phosphate ester surfactant, at least one acidic buffer, at least one cationic surfactant, and at least one cationic polymer. As acknowledged by the Examiner, Buckman does not recite, teach or suggest a fixer fluid having all four of the recited elements. As such,

Applicants respectfully request withdrawal of the present rejection.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 4,176,107 to Buckman *et al.* in view of U.S. Patent No. 6,610,129 to Sader *et al.*

Claims 1, 3-5, 11, 12, 14, 15, 17-19 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buckman in view of U.S. Patent No. 6,610,129 to Sader *et al.* ("Sader"). Applicants respectfully traverse this rejection, as hereinafter set forth.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* MPEP § 2143.03. Additionally, there must be "a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie* case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the reason that would have prompted the combination and the reasonable expectation of success must be found in the prior art, common knowledge, or the nature of the problem itself, and not based on the Applicant's disclosure. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367.

The 35 U.S.C. § 103(a) obviousness rejections of claims 1, 3-5, 11, 12, 14, 15, 17-19 and 21 are improper because the cited references do not teach or suggest all of the claim limitations.

As previously discussed, independent claims 1, 12, 15, and 19 have been amended to recite a fixer fluid having at least one anionic phosphate ester surfactant, at least one acidic buffer, at least one cationic surfactant, and at least one cationic polymer. As acknowledged by the Examiner, Buckman, Sader, or the combination of the two do not recite, teach or suggest a fixer fluid having all four of the recited elements. As such, Applicants respectfully request withdrawal of the present rejection.

35 U.S.C. § 102/103 Rejections

Anticipation Rejection or, in the alternative, Obviousness Rejection Based on U.S. Publication No. 2004/0206274 to Kruckel

Claims 1, 3-6, 15, 17-19, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2004/0206274 to Kruckel ("Kruckel"). Applicants respectfully traverse these rejections, as hereinafter set forth.

As previously discussed, independent claims 1, 12, 15, and 19 have been amended to recite a fixer fluid having at least one anionic phosphate ester surfactant, at least one acidic buffer, at least one cationic surfactant, and at least one cationic polymer. As acknowledged by the Examiner, Kruckel does not recite, teach or suggest a fixer fluid having all four of the recited elements. As such, Applicants respectfully request withdrawal of the present rejection.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Publication No. 2004/0063808 to Ma *et al.* in view of U.S. Patent No. 6,610,129 to Sader *et al.*

Claims 1, 3-10, 12, 14, 15, 17-19 and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0063808 to Ma *et al.* ("Ma") in view of Sader. Applicants respectfully traverse this rejection, as hereinafter set forth.

As previously discussed, independent claims 1, 12, 15, and 19 have been amended to recite a fixer fluid having at least one anionic phosphate ester surfactant, at least one acidic buffer, at least one cationic surfactant, and at least one cationic polymer. As acknowledged by the Examiner, Ma *et al.*, Sader, or the combination of the two do not recite, teach or suggest a fixer fluid having all four of the recited elements. As such, Applicants respectfully request withdrawal of the present rejection.

Obviousness Rejection Based on U.S. Publication No. 2004/0063808 to Ma *et al.* in view of U.S.

Patent No. 6,610,129 to Sader *et al.*, and further in view of U.S. Publication No. 2005/0155516 to Hermansky

Claims 1, 3-12, 14, 15, 17-19 and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ma in view of Sader, and further in view of U.S. Publication No. 2005/0155516 to Hermansky ("Hermansky"). Applicants respectfully traverse this rejection, as hereinafter set forth.

As previously discussed, independent claims 1, 12, 15, and 19 have been amended to recite a fixer fluid having at least one anionic phosphate ester surfactant, at least one acidic buffer, at least one cationic surfactant, and at least one cationic polymer. As acknowledged by the Examiner, Ma et al., Sader, or the combination of the two do not recite, teach or suggest a fixer fluid having all four of the recited elements. The Office Action does not state what portions of Hermansky are relied upon or what teaching or suggestion within Hermansky is relied upon for the present rejection. However, Hermansky does not overcome the shortcomings of Ma and Sader discussed above. As such, Applicants respectfully request withdrawal of the present rejection.

ENTRY OF AMENDMENTS

The amendments to claims 1, 12, 15, and 19 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 1-8, 10, 12, 14, 15, 17-19, and 21-24 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

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Respectfully submitted,



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